

2025 -- H 5906

LC002034

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION

Introduced By: Representatives Casey, Costantino, Chippendale, Finkelman, J. Brien,
Phillips, Lima, Noret, and Corvese

Date Introduced: February 28, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-128.1-8, 42-128.1-11 and 42-128.1-14 of the General Laws in
2 Chapter 42-128.1 entitled "Lead Hazard Mitigation" are hereby amended to read as follows:

3 **42-128.1-8. Duties of property owners of pre-1978 rental dwellings.**

4 (a) Property owners of pre-1978 rental dwellings, which have not been made lead safe or
5 have not been lead hazard abated shall comply with all the following requirements:

6 (1) Learn about lead hazards by taking a lead hazard awareness seminar, himself or herself
7 or through a designated person;

8 (2) Evaluate the dwelling unit and premises for lead hazards consistent with the
9 requirements for a lead hazard control evaluation;

10 (3) Correct identified lead hazards by meeting and maintaining the lead hazard mitigation
11 standard;

12 (4) Provide tenants: (i) Basic information about lead hazard control; (ii) A copy of the
13 independent clearance inspection; and (iii) Information about how to give notice of deteriorating
14 conditions;

15 (5) Correct lead hazards within thirty (30) days after notification from the tenant of a
16 dwelling unit with an at-risk occupant, or as provided for by § 34-18-22.

17 (b) New property owners of a pre-1978 rental dwelling that is occupied by an at-risk
18 occupant shall have up to sixty (60) days to meet requirements for lead hazard mitigation, if those
19 requirements were not met by the previous owner at the time of transfer, provided that the new

1 property owner has the property visually inspected within thirty (30) business days after assuming
2 ownership to determine conformity with the lead hazard control standard.

3 (c) The requirements for lead hazard mitigation shall apply to the first change in ownership
4 or tenancy after November 1, 2005; provided further, that unless requested and agreed to by an at-
5 risk occupant, meeting the lead hazard mitigation standard shall not be construed to authorize a
6 property owner to compel or cause a person, who is in tenancy on January 1, 2004, and remains in
7 tenancy continuously thereafter, to vacate a rental unit temporarily or otherwise.

8 (d) If the tenant receives no response to the notification to the property owner of
9 deteriorating conditions affecting lead hazards, if the response is in the tenant's opinion
10 unsatisfactory, or if the remedy performed is in the tenant's opinion unsatisfactory, the tenant may
11 request a review of the matter by the ~~housing resources commission~~ [department of health](#). After its
12 review of the matter, the ~~housing resources commission~~ [department of health](#) shall either send
13 notice to the property owner in which notice shall be issued in a manner substantially similar to a
14 notice of violation issued by the director pursuant to the Housing Maintenance Code, chapter 24.3
15 of title 45, or promptly inform the tenant of the reasons why the notice is not being issued.

16 (e) Notwithstanding the foregoing, the provisions of this chapter shall not apply to common
17 areas in condominium complexes that are owned and operated by condominium associations, or to
18 pre-1978 rental dwelling units that are:

- 19 (1) Lead-safe or lead free;
- 20 (2) Temporary housing; ~~or~~
- 21 (3) Elderly housing; [or](#)
- 22 (4) [Deleted by P.L. 2023, ch. 103, § 1 and P.L. 2023, ch. 104, § 1.]
- 23 [\(5\) Do not house or contain an at-risk occupant.](#)

24 (f) The department of health shall report to the legislature annually on the number of
25 children who are lead poisoned in any of the exempted dwelling units as referred to in subsection
26 (e) of this section.

27 (g) Nothing contained herein shall be construed to prevent an owner who is seeking to
28 obtain lead liability insurance coverage in the policy from complying with the provisions of this
29 chapter, by securing and maintaining a valid and in force letter of compliance or conformance in
30 force.

31 **42-128.1-11. Enforcement.**

32 (a) ~~The standards for lead hazard control and for lead hazard mitigation in pre-1978~~
33 ~~housing shall be considered basic housing standards and shall be enforceable through the provisions~~
34 ~~of this chapter and through procedures established in chapter 24.2 of title 45 and chapter 24.3 of~~

1 ~~title 45.~~

2 (b) **Minimum Housing Standards and Housing Maintenance and Occupancy Code.** In
3 order to establish consistency between state and local programs pertaining to enforcement of
4 standards for housing and housing occupancy and to provide for broadly available, multiple means
5 of identifying instances of noncompliance with this chapter and enforcing the requirements of this
6 chapter, [the department of health shall undertake consistent with § 34-18-58.](#) ~~following provisions~~
7 ~~regarding Minimum Housing Standards and the Housing Maintenance and Occupancy Code shall~~
8 ~~be effective:~~

9 ~~(1) The ordinances, rules, and regulations for “Minimum Housing Standards” adopted~~
10 ~~pursuant to § 45-24.2-3 shall, on or before November 1, 2005, include provisions for lead hazard~~
11 ~~control.~~

12 ~~(2) The Housing Maintenance and Occupancy Code, established by chapter 24.3 of title~~
13 ~~45, shall, effective November 1, 2005, include provisions consistent with a continuing and ongoing~~
14 ~~responsibility for lead hazard mitigation as required by the department of health standards.~~

15 (c) In any private action where a property owner is found to have violated § 42-128.1-1 et
16 seq., or any rules or regulations derived therefrom, the property owner is subject to damages, which
17 may include double or treble the actual damages found, as well as reasonable attorneys’ fees.
18 Nothing herein should be construed as excluding other remedies in law or equity.

19 **42-128.1-14. Escrow account.**

20 (a) Notwithstanding any general law, public law, special law, or any agreement, whether
21 written or oral, a tenant may file a petition to deposit the tenant’s rent in an escrow account in the
22 district court with jurisdiction of the leased property, whenever the leased property is not compliant
23 with the risk reduction provisions of this chapter, including, but not limited to, the requirement for
24 a valid certificate of conformance, any rules or regulations derived therefrom, or upon any licensed
25 inspector’s finding of the existence of lead hazards in the property. Upon the petition to the district
26 court, and after notice to the owner of the premises and a hearing thereon, the district court shall
27 order the deposit of the tenant’s rent within the registry of the court, consistent with district court
28 rules of procedure, upon a determination that the leased property is not compliant with the risk
29 reduction provisions of this chapter, or upon any licensed inspector’s finding of the existence of
30 lead hazards in the property.

31 (b) **Other rights or remedies.** The right of a tenant to deposit rent in the registry of the
32 court does not preclude the tenant from pursuing any other right or remedy available to the tenant
33 at law or equity.

34 (c) **Release of funds within the registry of the court.** Money deposited within the registry

1 of the court shall be released to the property owner, or designee, upon the court's determination of
2 compliance by the property owner with the applicable risk reduction standard and state lead
3 poisoning prevention laws or upon a finding that the release of the money to the owner is necessary
4 to effectuate any repairs or improvements needed to the property to bring it into compliance with
5 the lead laws, and/or to repair any lead hazard(s).

6 (d) Notwithstanding subsection (c), the court ~~shall~~ may release money from the registry of
7 the court to the tenant, or designee, if the tenant has incurred costs to comply with the applicable
8 risk reduction standard and state lead poisoning prevention laws on presentation of a bill of the
9 reasonable costs of complying with the applicable risk reduction standard or other state lead
10 poisoning prevention laws. Provided, however that, a tenant has provided adequate written notice
11 of its intent to conduct any repairs or remediation to the landlord, and the landlord has willfully
12 failed to take corrective action or failed to respond within a reasonable timeframe. Any money to
13 be released under this subsection shall be subtracted from the money to be released under
14 subsection (c).

15 (e) **Retaliatory actions prohibited.** A lessee may not be evicted, the tenancy may not be
16 terminated, the rent may not be raised, or any services reduced, because a lessee in good faith elects
17 to seek the remedies under this section.

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would substitute "housing resources commission" with the "department of health"
2 for lead hazard mitigation purposes. It would also make it easier for a property owner to release
3 funds placed into an escrow account, as long as the money is needed to make required repairs or
4 improvements.

5 This act would take effect upon passage.

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